

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| In the Matter of                      | ) |                                |
|                                       | ) |                                |
| PAPPAMMAL KURIAN                      | ) | Call Signs WNVJ741, WPIQ777,   |
|                                       | ) | WPTG843, WPXC618, WPXY504, and |
| Request for Reinstatement of Licenses | ) | WQAQ340                        |
|                                       | ) |                                |
| THOMAS KURIAN                         | ) | Call Signs KNNF731 and WQO982  |

**ORDER ON RECONSIDERATION**

**Adopted: July 26, 2013**

**Released: July 29, 2013**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order on Reconsideration*, we grant a petition<sup>1</sup> filed by Thomas Kurian (Mr. Kurian) seeking reconsideration of an *Order on Reconsideration and Order of Modification (Modification Order)*<sup>2</sup> that ordered the modification of Mr. Kurian's licenses for private land mobile radio Stations KNNF731 and WQO982.

2. *Background.*<sup>3</sup> In connection with their divorce, Mr. Kurian and Pappammal Kurian (Ms. Kurian) executed a marital property settlement agreement, under which he agreed to convey to her all FCC licenses then held in his name or in the names of certain business entities awarded to her in the settlement agreement, including S M Leasing and Rental Ltd. (S M Leasing).<sup>4</sup> Following the divorce, a dispute arose between Ms. Kurian and Richard Susainathan over ownership of S M Leasing. Specifically, Ms. Kurian argued that she owned S M Leasing because Mr. Kurian had conveyed it to her as part of a marital property settlement agreement, but Mr. Susainathan argued that the company should not have been included in the Kurians' marital estate because he, rather than Mr. Kurian, owned it.

3. While the dispute was being litigated in state court, Mr. Susainathan filed an application to assign the S M Leasing licenses to himself.<sup>5</sup> The Wireless Telecommunication Bureau's Mobility Division (Division) granted the assignment application over Ms. Kurian's objections, holding that nothing in the Commission's rules precluded granting the applications in the absence of a definitive final court order regarding ownership of S M Leasing.<sup>6</sup> Mr. Susainathan subsequently assigned the former S M

<sup>1</sup> Protest of the Proposed Modification to Call Sign WQO982 and KNNF 731 and Reconsideration of the DA-12-1773 & 11-1800 (filed Nov. 6, 2012) (Petition).

<sup>2</sup> Pappammal Kurian, *Order on Reconsideration and Order of Modification*, 27 FCC Rcd 13516 (WTB MD 2012) (*Modification Order*).

<sup>3</sup> For more detailed information regarding the background of this matter, see Pappammal Kurian, *Order and Order Proposing Modification*, 26 FCC Rcd 15177, 15177-79 ¶¶ 2-9 (WTB MD 2011) (*Order*).

<sup>4</sup> Settlement Agreement at 2, attached to *Kurian v. Kurian*, Case No. D30700, *Decree of Divorce* (Dist. Ct. Family Div., Clark County, Nev. July 1, 2005).

<sup>5</sup> See FCC File No. 0002566618 (filed Apr. 11, 2006, amended Apr. 10, 2007 and Apr. 26, 2007). Mr. Susainathan was the listed contact person for S M Leasing in the Commission's licensing records.

<sup>6</sup> See Pappammal Kurian, *Letter*, 24 FCC Rcd 4842, 4845 (WTB MD 2009), *pet. for recon. dismissed*, *Order on Reconsideration*, 25 FCC Rcd 3686 (WTB MD 2010).

Leasing licenses at issue to Mr. Kurian,<sup>7</sup> who then modified his license for Station WQO982 to add frequencies assigned to Station WNVJ741<sup>8</sup> and cancelled the license for Station WNVJ741,<sup>9</sup> and modified his license for Station KNNF731 to add frequencies assigned to Stations WPIQ777 and WQAQ340<sup>10</sup> and cancelled the licenses for Stations WPIQ777, WPXC618, and WQAQ340.<sup>11</sup>

4. In 2011, after the state court awarded S M Leasing to Ms. Kurian,<sup>12</sup> the Division reinstated the licenses for Stations WNVJ741, WPIQ777, WPCX618, and WQAQ340.<sup>13</sup> It also granted her temporary waivers of Sections 90.155 (construction requirement)<sup>14</sup> and 90.157 (discontinuance of operation)<sup>15</sup> of the Commission's Rules in order to give her one year to bring the stations back into operation.<sup>16</sup> As an additional measure to enable Ms. Kurian to restore interference-free operations, the Division proposed to modify Mr. Kurian's licenses for Stations KNNF731 and WQO982 by deleting the frequencies that he had added from the former S M Leasing licenses that he cancelled.<sup>17</sup> In 2012, the Division dismissed Mr. Kurian's objection to the proposed modification.<sup>18</sup>

5. In May 2012, Mr. and Ms. Kurian filed a letter with the Commission stating that they had reached a new marital property settlement agreement pursuant to which Ms. Kurian would assign all licenses under her control to Mr. Kurian.<sup>19</sup> An assignment application was filed but withdrawn soon thereafter.<sup>20</sup> In August 2012, Ms. Kurian filed applications to cancel the licenses for Stations WPIQ777

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<sup>7</sup> See FCC File Nos. 0003915191 (filed July 28, 2009), 0003946875 (filed Aug. 25, 2009), 0003957109 (filed Sept. 4, 2009), 0003993720 (filed Oct. 13, 2009).

<sup>8</sup> See FCC File Nos. 0003947529 (Aug. 25, 2009), 0004036432 (filed Nov. 17, 2009).

<sup>9</sup> See FCC File No. 0004009277 (filed Oct. 27, 2009).

<sup>10</sup> See FCC File No. 0004012350 (filed Oct. 29, 2009).

<sup>11</sup> See FCC File Nos. 0004143990-92 (filed Mar. 3, 2010).

<sup>12</sup> See *Susainathan v. Kurian*, Consolidated Case Nos. A505829, A514179, A555891, *Judgment Upon Jury Verdict* (Dist. Ct., Clark County, Nev. Aug. 11, 2010) at ¶ 28.

<sup>13</sup> See *Order*, 26 FCC Rcd at 15180-81 ¶¶ 10-14.

<sup>14</sup> 47 C.F.R. § 90.155(a) (generally requiring that private land mobile radio stations be placed in operation within 12 months from the date of authorization).

<sup>15</sup> 47 C.F.R. § 90.157(a) (providing that a private land mobile radio license cancels automatically upon permanent discontinuance of operations, and that a station that has not operated for one year or more is considered to have been permanently discontinued).

<sup>16</sup> See *Order*, 26 FCC Rcd at 15181-82 ¶¶ 15-16.

<sup>17</sup> See *id.* at 15182-83 ¶¶ 17-18. The Division acted pursuant to the Commission's statutory authority under Section 316(a)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a)(1). Specifically, the Division proposed to modify the license for Station KNNF731 by deleting frequencies 937.9500 MHz, 937.9625 MHz, 937.9750 MHz, 937.9875 MHz, and 938.0000 MHz from location 4; and to modify the license for Station WQO982 by deleting frequencies 854.8375 MHz, 860.7875 MHz, and 860.8125 MHz from all three fixed sites (locations 1, 4, and 6).

<sup>18</sup> See *Modification Order*, 27 FCC Rcd at 13518 ¶ 7.

<sup>19</sup> See Notice of Withdrawal of the Petition to Deny the Assignment of Call Sign WPIQ777, WQAQ340, WQXC618, and WNVJ741, Request to Initiate License Revocation Proceedings Against Pappammal Kurian with Prejudice under 47 CFR 1.935 and Request for FCC Approval for the Above Withdrawal (filed May 24, 2012).

<sup>20</sup> See FCC File No. 0005233398 (filed May 25, 2012, withdrawn June 11, 2012). In June 2012, Ms. Kurian filed applications to update the licenses for Stations WNVJ741, WPIQ777, WPCX618, and WQAQ340 to list Mr. Kurian as the contact. See FCC File Nos. 0005244369, 0005244373, 0005244386, 0005244404 (filed June 1, 2012).

and WNVJ741,<sup>21</sup> which were granted. In May 2013, the license for Station WPXC618 expired by its own terms. In July 2013, in response to a Division inquiry regarding the construction and operational status of her licensed stations,<sup>22</sup> Ms. Kurian reported that she had not constructed the former S M Leasing licenses.<sup>23</sup>

6. *Discussion.* We agree with Mr. Kurian that it no longer furthers the public interest to modify his licenses for Stations KNNF731 and WQO982 by deleting the frequencies that he had added from the former S M Leasing licenses that he cancelled.<sup>24</sup> The purpose of modifying the licenses was to enable Ms. Kurian to restore interference-free operations at the four stations. Given that Ms. Kurian has not restored those stations to constructed and operational status, the modification of Mr. Kurian's licenses no longer serves the intended purpose. We therefore grant the petition for reconsideration of the *Modification Order*, and will permit Stations KNNF731 and WQO982 to use the frequencies that were added from the former S M Leasing licenses.

7. In addition, we conclude based on the record before us that Station WQAQ340 is not in operation and that its authorization cancelled for permanent discontinuance of service. Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the license for Station WQAQ340.

8. *Ordering Clauses.* Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the petition for reconsideration filed on November 6, 2012 by Thomas Kurian IS GRANTED.

9. IT IS FURTHER ORDERED that the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WQAQ340.

10. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>21</sup> See FCC File Nos. 0005366467, 0005366475 (filed Aug. 24, 2012).

<sup>22</sup> Letter dated May 21, 2013 from Scot Stone, Deputy Chief, Mobility Division to Pappammal Kurian.

<sup>23</sup> Letter dated June 14, 2013 from Pappammal Kurian to FCC Office of Secretary. To the extent that Ms. Kurian's response to the Division inquiry requests additional time to construct her licensed stations, the request is denied. The construction period for the stations at issue already had expired, so any such request is untimely. See 47 C.F.R. § 1.946(e). In addition, nothing in her response constitutes grounds for providing additional time to construct.

<sup>24</sup> See Petition at 1-2.